



March 9, 2011

Senator Eric D. Coleman
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Hartford, CT 06106-1591
Fax: 860-240-0208

Representative Gerald Fox, III
Legislative Office Building
Room 2502
Hartford, CT 06106-1591
Fax: 860-240-0196

RE: The Sentencing Project endorses Raised Bill No. 6475 and Raised Bill No. 6539.

Dear Co-Chairman Coleman and Co-Chairman Fox:

The Sentencing Project, a national criminal justice research and advocacy organization, applauds the introduction of Raised Bill 6475 and Raised Bill 6539. The legislation would allow persons serving mandatory minimum sentences to seek review of their sentence if the state's attorney agrees, and would authorize the sentencing court or judge to modify mandatory minimum sentences.

Connecticut imprisons nearly 14,000 men and women, and supervises nearly 60,000 on probation and parole. The bills under consideration are fiscally sound legislation because they bills allows the court system to better manage the corrections population. Currently, the Connecticut prison system cost nearly \$34,000 per inmate per year-- compared to an average of \$29,000 for other states, according to 2008 statistics from the National Institute of Corrections. This is an overinvestment in incarceration, with limited benefits to the taxpaying public.

Connecticut adopted mandatory minimum laws for certain offenses in an attempt to deter crime. The intent was to make an unmistakable statement in an attempt to dissuade unlawful behavior. But over the years, too many nonviolent prisoners have been incarcerated for long periods of time due to the inflexibility of mandatory sentencing laws, straining precious state resources.

These laws have weakened the authority and discretion of judges, while failing to advance public safety. Studies show that mandatory minimum policies that increase time served in prison do not deter crime, since deterrence is more a function of the certainty of punishment rather than the severity of punishment.

Mandatory penalties and lengthy prison terms also do not reduce recidivism. A 1999 study tested this assumption in a meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various offenses and criminal histories. Controlling for risk factors such as criminal history and substance abuse, the authors assessed the relationship

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between length of time in prison and recidivism, and found that longer prison sentences were associated with a three percent increase in recidivism. Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months.¹

There are serious problems with Connecticut's definite sentencing scheme as currently written. , Mandatory minimum sentences prevent courts from using more effective punishments. When no mandatory minimum is required, the court can choose a punishment that will fit the individual and make it more likely that the person will not recidivate. When the individual is a drug abuser or addict, for example, diversion to substance abuse treatment, or less time in prison, can be more effective and less costly than incarceration for a longer period of time. These laws require courts to impose fixed prison sentences, even if the court believes that the sentence does not fit the individual or the crime.

By passing Raised Bill 6475 and Raised Bill 6539, Connecticut would join an increasing number of states that have realized that mandatory sentencing laws increase public costs without increasing public safety. For example, in November 2009, Rhode Island repealed all of its mandatory sentencing laws for drug offenses. In April 2009, New York signed into law comprehensive drug policy reforms that greatly expand treatment options while repealing most mandatory minimum sentences for drug offenses. Michigan passed sweeping reforms of its mandatory minimum drug penalties in 1998 and 2003 and Massachusetts made some drug offenders parole eligible after serving one-half of their mandatory minimum sentences just last year.

Raised Bill 6475 and Raised Bill 6539 would require careful examination of each case, and only those that merit sentence modification would have the opportunity for relief. It establishes a process of judicial review to evaluate whether continued imprisonment is necessary or if the individual should have the opportunity for release.

Sincerely,



Marc Mauer
Executive Director

cc: Joint Committee on the Judiciary (Fax: 860-240-0196)

¹ Paul Gendreau, Claire Goggin, and Francis T. Cullen, "The Effects of Prison Sentences on Recidivism," Ottawa, Ontario, Canada: Public Works and Government Services Canada, 1999.